

**EXHIBIT Z TO
CISNEROS DECLARATION
REDACTED VERSION**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

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VIDEO DEPOSITION OF ARNNON GESHURI

AUGUST 17, 2012

Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

09:42:24 1 staffing organization as it currently existed when I --
09:42:27 2 when I joined, and to see what it would take to build an
09:42:29 3 infrastructure on the staffing side to help Google scale
09:42:34 4 up to its now kind of -- its insatiable appetite for
09:42:41 5 great talent.

09:42:42 6 So I analyzed the staffing group, looked at the
09:42:45 7 infrastructure and -- and made a design plan of how I
09:42:48 8 would scale up the staffing organization to -- to
09:42:51 9 accommodate the acquisition of talent. And that was all
09:42:56 10 encompassing of what my role was there --

09:42:59 11 Q. So that --

09:42:59 12 A. -- of the head of staffing.

09:43:01 13 Q. That one category describes basically what you
09:43:03 14 did --

09:43:04 15 A. Yes.

09:43:04 16 Q. -- as head of staffing. Okay.

09:43:16 17 And remind me when you held the title of head
09:43:19 18 of staffing in terms of -- I mean it started in October
09:43:22 19 of 2004, and then how long did that last until your first
09:43:25 20 promotion?

09:43:27 21 A. Yeah, I -- I -- you know, I don't quite recall
09:43:30 22 because it -- I'll give you some general -- if I -- I'll
09:43:33 23 just use my best memory.

09:43:35 24 Q. Sure.

09:43:35 25 A. Because my -- my role and responsibilities

09:43:37 1 expanded. So it wasn't actually a change of role. It
09:43:40 2 was just acknowledgment that I was doing the right -- the
09:43:43 3 right thing in my job. So my job responsibilities still
09:43:47 4 focused on that -- on that core thing of how do I create
09:43:50 5 infrastructure that will scale with the organization. So
09:43:53 6 it must have been within the first eight months probably,
09:43:55 7 eight months to a year, I was promoted to the first level
09:44:00 8 director, and then it was -- it was probably, you know, a
09:44:06 9 year, year-and-a-half after that, that I was promoted to
09:44:09 10 senior director of -- of staffing.

09:44:14 11 Q. Okay. So -- so after your change in title to
09:44:20 12 first-level director, I believe you said that your
09:44:24 13 responsibilities remained the same. So would it be
09:44:26 14 correct to say that -- that your staffing
09:44:29 15 responsibilities encompassed your responsibilities as a
09:44:33 16 first level director of staffing?

09:44:35 17 A. Yes.

09:44:35 18 Q. So there were no other categories or additional
09:44:38 19 duties that were added at that time?

09:44:39 20 A. No. It was just scaling the operations. So --
09:44:42 21 so the scope of the role expanded, so instead of having
09:44:46 22 the 40 recruiters when I started, you know, I grew the
09:44:50 23 organization to almost 900 staffing professionals. So
09:44:52 24 you could see the scale of -- of what needed to be done.
09:44:56 25 It just expanded.

09:44:58 1 And then creating the infrastructure that would
09:45:00 2 support all the amazing talent, because we would have
09:45:04 3 over -- every year we'd have over 2 million applications
09:45:07 4 that would come to us. We would do 160,000 on-site
09:45:12 5 interviews in a year. We would be hiring 200 people a
09:45:17 6 week. I mean this was -- it was a grand scale, and it
09:45:20 7 was during the -- the amazing growth of the company. So
09:45:24 8 my responsibility was -- to solve those goals, to get the
09:45:29 9 talent onboard, it was scaling that operation. So it --
09:45:32 10 it provided amazing talent for the company.

09:45:35 11 Q. Sure. Okay. So then your third title, I
09:45:43 12 guess, was senior director of staffing?

09:45:45 13 A. Uh-huh. That's correct.

09:45:48 14 Q. Okay.

09:45:49 15 A. The same responsibilities.

09:45:50 16 Q. Right. And I believe you testified earlier
09:45:55 17 that you had a hybrid --

09:45:57 18 A. My last year there.

09:45:58 19 Q. -- role --

09:45:59 20 A. 1 -- I did four -- you know, four years in --
09:46:01 21 in the staffing function and then I wanted to do a
09:46:04 22 little -- something a little bit different, so I did
09:46:06 23 employee relations for the HR -- kind of HR director
09:46:11 24 in -- more generalized for the engineering organization.

09:46:14 25 Q. Okay. So that was your fourth title?

09:46:16 1 A. My -- my -- yeah. That was my last year there.

09:46:18 2 Q. And that was director of HR?

09:46:21 3 A. Yeah. Director of HR, exactly.

09:46:23 4 Q. Okay.

09:46:24 5 A. I gave up my staffing responsibilities the last

09:46:26 6 year I was there.

09:46:44 7 Q. Okay. So I think in terms of talking about

09:46:45 8 what you did, I think it makes sense to group your time

09:46:51 9 for the first three titles, which involved staffing,

09:46:54 10 we'll just talk about that together, because it sounded

09:46:56 11 like that was one kind of unbroken project of scaling

09:47:00 12 Google, correct?

09:47:01 13 A. Yes. My -- my role was the same, just -- just

09:47:02 14 scaled.

09:47:03 15 Q. Okay. During this time, did you -- did you

09:47:15 16 have any input or responsibilities with regard to

09:47:18 17 compensation?

09:47:19 18 A. No. I never touched compensation.

09:47:21 19 Q. And that includes when you were director of HR,

09:47:24 20 correct?

09:47:25 21 A. Yes. It was -- it was all employee relations

09:47:27 22 as described before, people's interaction within the work

09:47:30 23 environment. So they had a whole different group that

09:47:32 24 was responsible for compensation, totally different team,

09:47:35 25 and I didn't touch compensation numbers. I had no

10:15:35 1 fill that job through the various methods that you come
10:15:37 2 up with, it's up to that recruiter to get it done.

10:15:42 3 Q. And those methods included sourcing, correct?

10:15:46 4 A. Those methods included sourcing.

10:15:50 5 Q. Do you have any idea in terms of breakdown by
10:15:54 6 time what proportion of time that the recruiting
10:15:59 7 organization spent on the sourcing part of it in terms of
10:16:03 8 relying on that sourcing method.

10:16:05 9 MR. RUBIN: You're saying in terms of person
10:16:07 10 hours?

10:16:08 11 MR. HARVEY: Yes.

10:16:12 12 THE WITNESS: I -- I -- I -- so I'm not quite
10:16:14 13 sure how it's broken down. I would -- I would -- the
10:16:18 14 recruiters -- one of the things that I mentioned before
10:16:21 15 is that we had over 2 million applications that came in,
10:16:26 16 and a recruiter's pipeline was pretty full. So their
10:16:33 17 responsibility was to get through that pipeline the
10:16:35 18 majority of the time, and -- and whether that came from
10:16:37 19 the employee referral program or through the extranet
10:16:42 20 website -- so I don't know the exact breakdown.

10:16:46 21 BY MR. HARVEY:

10:16:47 22 Q. But the primary responsibility of a recruiter
10:16:50 23 is to find good people, correct?

10:16:52 24 A. The primary responsibility is to find good
10:16:54 25 people that will fit the roles within the company, the

10:16:58 1 company's needs at the time.

10:16:59 2 Q. And so -- okay. That's fine.

10:17:16 3 And the recruiting organization, I believe you
10:17:19 4 said that when you were hired, there were 40 people in
10:17:22 5 this organization, and when you left, there were
10:17:24 6 approximately 900, correct?

10:17:27 7 A. Not exactly. So during the heyday, or as we
10:17:32 8 ramped up, we -- we hit around 850, 900 staffing
10:17:37 9 professionals in the company. But when I left, it was a
10:17:41 10 different number, which I don't -- I don't know, because
10:17:43 11 I was out of that role when I left the company.

10:17:46 12 So -- so basically -- but during its most
10:17:49 13 prolific time, it was around 900 people.

10:17:53 14 Q. And what years fell into this prolific period?

10:17:57 15 A. It was probably the -- well, it wasn't
10:17:59 16 immediate, because I had to build up to that. So it was
10:18:02 17 probably -- maybe my second or third year there, those
10:18:06 18 are the two -- the two years.

10:18:08 19 Q. So 2005, 2006?

10:18:10 20 A. This was -- yeah, and I think that was parallel
10:18:14 21 to the growth of the company. We can look at the
10:18:16 22 headcount numbers of the company, but you can see how it
10:18:19 23 was a pretty big spike in growth.

10:18:21 24 Q. Sure. And let's see.

10:18:24 25 When you became the director of HR, I take it

10:18:29 1 in approximately the beginning of 2009, roughly how many
10:18:32 2 people worked in the recruiting organization?

10:18:36 3 A. I -- I don't -- I actually don't recall.

10:18:39 4 Q. Was it more than 500?

10:18:41 5 A. Yeah, I -- I don't -- I don't recall. It was
10:18:43 6 in the hundreds, but I don't -- I don't recall the exact
10:18:46 7 number when I left.

10:18:52 8 Q. Did you rely exclusively on Google employees as
10:18:55 9 part of this recruiting function, or did you also
10:18:57 10 occasionally rely on third-party recruiters?

10:19:01 11 MR. RUBIN: Objection. Vague as to "third
10:19:03 12 parties."

10:19:04 13 THE WITNESS: Describe third-party recruiters
10:19:06 14 to me, if you don't mind.

10:19:08 15 BY MR. HARVEY:

10:19:08 16 Q. Anyone who would recruit on Google's behalf who
10:19:12 17 was not on Google's direct payroll.

10:19:14 18 MR. RUBIN: Same objection.

10:19:16 19 THE WITNESS: So we -- so -- from my -- from
10:19:22 20 how we structure the organization, just really briefly,
10:19:27 21 is that for very senior level hires, we on occasion would
10:19:32 22 use a search firm that would help us to find very senior
10:19:36 23 people.

10:19:38 24 BY MR. HARVEY:

10:19:40 25 Q. Would you use -- well, were there any other

10:22:57 1 and utilize, and that was -- that was how they structured
10:23:03 2 their organization.

10:23:05 3 Q. And how many individuals worked in the sourcing
10:23:08 4 team when you were first hired at Google?

10:23:11 5 A. There were -- if I recall correctly, there were

10:23:14 6

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10:23:20 8 Q. And then how did you grow the sourcing team
10:23:23 9 during your time at Google?

10:23:25 10 MR. RUBIN: Objection. Vague.

10:23:27 11 THE WITNESS: So my responsibility was to build
10:23:32 12 the infrastructure for a successful group. I focused on
10:23:36 13 building recruiters and making sure we had enough volume
10:23:40 14 recruiters to handle the influx of applicants.

10:23:44 15 And then as a need came up where we needed to
10:23:47 16 find diamonds in the rough, great candidates, I created a
10:23:53 17 team of folks doing research in finding excellent talent.

10:23:58 18 BY MR. HARVEY:

10:23:58 19 Q. And what was the first hire for the sourcing
10:24:00 20 team -- I'm sorry. When was the first hire?

10:24:03 21 A. I -- I don't -- I don't recall. Honestly,
10:24:06 22 again, I don't remember exactly when I first hired a
10:24:08 23 sourcer. Yeah. I don't -- I don't recall. I can't
10:24:12 24 answer. I don't know exactly when. It was a -- it
10:24:15 25 was -- I don't know when.

10:24:18 1 Q. Do you remember whether it was in 2004 or 2005?

10:24:23 2 MR. RUBIN: Objection. Calls for speculation.

10:24:24 3 THE WITNESS: Yeah, I still don't remember

10:24:25 4 exactly when we hired the first sourcer. It's just not

10:24:28 5 specific to me. I can't remember.

10:24:30 6 BY MR. HARVEY:

10:24:30 7 Q. How many people worked in sourcing when it was

10:24:33 8 at its largest size?

10:24:36 9 A. I -- I probably had -- of order of magnitude,

10:24:44 10 probably [REDACTED] people doing sourcing, out of a team of

10:24:48 11 900.

10:24:49 12 Q. Oh, so you're including that within the 900?

10:24:53 13 A. Yeah.

10:24:53 14 Q. In terms of --

10:24:53 15 A. I said that -- before I mentioned 900 staffing

10:24:55 16 overall.

10:24:56 17 Q. I see. Thank you.

10:25:09 18 And then moving on to your final role at

10:25:11 19 Google, when you were director of HR, could you -- could

10:25:18 20 you kind of describe categories of responsibilities you

10:25:22 21 had in that role.

10:25:24 22 A. Yeah. I -- I was basically responsible for --

10:25:29 23 for a specific area within -- within the engineering

10:25:32 24 organization to support the employee base. So that means

10:25:35 25 that I handled employee relations issues. I helped to

10:25:44 1 deal with, you know, personal -- or like ergonomic
10:25:50 2 issues, when people had problems with their work space,
10:25:53 3 or if they had medical problems how they got on
10:25:55 4 disability and things like that. So I basically just
10:25:57 5 handled a variety of employee issues to help -- to help
10:26:01 6 those groups function within the work environment.

10:26:12 7 Q. And did you have any other responsibilities
10:26:14 8 while you were in HR, aside from the ones that you
10:26:18 9 described?

10:26:18 10 A. There was a variety -- whatever it was -- there
10:26:19 11 was a variety of roles, but it all focused on -- Dean, it
10:26:23 12 all focused on the -- the interaction of employees, you
10:26:28 13 know, if managers had a low performer, helping them walk
10:26:31 14 through that, how to -- how to help that employee get
10:26:35 15 better or whatever else we need to do. So that -- so
10:26:38 16 basically I was -- I was responsible for helping managers
10:26:41 17 and employees just deal with the work environment. But
10:26:44 18 the issues were pretty varied, and I just helped to --
10:26:47 19 helped them to make it through the -- make it through and
10:26:50 20 be a better -- better person as an outcome.

10:27:37 21 MR. HARVEY: I believe this is Exhibit 170. If
10:27:38 22 you could please mark this and hand it to the witness.

10:27:41 23 (Exhibit 170 was marked for identification.)

10:27:41 24 BY MR. HARVEY:

10:27:42 25 Q. This document is a PDF of the current bios of

12:28:20 1 drive that.

12:28:24 2 Q. But that included sourcing, correct?

12:28:26 3 A. It includes sourcing.

12:28:28 4 Q. The email continues, "However, we do need to be
12:28:30 5 respectful" -- I'm sorry, "we do need to be respectfully
12:28:33 6 and sensitive about how we do it. I don't think this is
12:28:35 7 consistently happening. One practical suggestion that
12:28:39 8 came up today that we can tell recruiters as a tangible
12:28:41 9 action item --"

12:28:43 10 MR. RUBIN: You might need to go a little
12:28:45 11 slower for the court reporter, when you're reading.

12:28:52 12 THE REPORTER: It would be swell.

12:28:54 13 MR. HARVEY: I will be slower. Thank you.

12:28:56 14 Q. I'll start with, "However, we do need to be
12:28:58 15 respectfully and sensitive about how we do it. I don't
12:29:03 16 think this is consistently happening. One practical
12:29:08 17 suggestion that came up today that we can tell recruiters
12:29:11 18 as a tangible action item is to be targeted in proactive
12:29:16 19 recruiting into these companies. In other words, we
12:29:19 20 should not do what MS does," and I believe that's
12:29:22 21 Microsoft, "which is get a Rolodex of engineers and just
12:29:26 22 call everyone, one after another. It is fine for
12:29:29 23 recruiters to call into these companies with a specific
12:29:29 24 individual they're chasing."

12:29:32 25 Were -- let me pause here.

12:29:39 1 Was it your understanding that Google's
12:29:42 2 recruiters were permitted to call into companies with a
12:29:46 3 specific individual they were chasing?

12:29:50 4 A. So I -- this was a -- this was early on. I
12:29:53 5 just -- I just got there, so I was just getting my
12:29:56 6 footing. But historically, when I ran staffing
12:30:00 7 organizations, recruiters of course used sourcing as one
12:30:04 8 of the methodologies to go and get people.

12:30:07 9 Q. Okay. And then you responded, what looks like
12:30:12 10 the next day, and you say, "There is definitely a side to
12:30:18 11 recruiting that boasts a 'no holds barred' attitude when
12:30:18 12 it comes to hunting for candidates." Is that the
12:30:25 13 aggression that you were just referring to?

12:30:27 14 A. I said in -- the -- to me, aggressiveness is
12:30:31 15 all the recruiters need to be unrelenting and make sure
12:30:35 16 they hit their goals, because there was a lot of pressure
12:30:38 17 on me and the staffing organization to hit our numbers,
12:30:41 18 which we did.

12:30:42 19 And -- and -- and I don't -- I didn't want
12:30:45 20 recruiters on the team that could not fulfill that. So
12:30:48 21 we -- we really wanted strong -- a strong team, to be
12:30:51 22 effective and productive.

12:30:54 23 Q. What kind of pressure did you receive to meet
12:30:56 24 your goals?

12:30:58 25 A. The -- the company -- the -- the company had --

12:31:02 1 I mentioned this before in testimony, where the company
12:31:04 2 had a hiring plan, and -- and I'm -- personally, I'm a
12:31:10 3 very achievement-oriented person, and so you give me a
12:31:14 4 plan and I will make sure that we as an organization will
12:31:17 5 hit -- hit the numbers.

12:31:19 6 So -- so the pressure I felt was partially my
12:31:25 7 own pressure to make sure we delivered, and also I wanted
12:31:29 8 to make sure the company got the talent it needed to
12:31:32 9 achieve. So each organization needed great talent, and I
12:31:36 10 delivered.

12:31:37 11 Q. Did Shona Brown and Laszlo Bock make that
12:31:40 12 clear, that -- that Google's expectation was that you
12:31:43 13 would meet your goals?

12:31:45 14 A. Well, what they said to me, or what I perceived
12:31:49 15 they said is, "Your job is to fill roles. Your job is to
12:31:52 16 bring talent in, and that's -- that's -- that's your
12:31:55 17 responsibility." And I was fully accountable for that
12:32:00 18 and fully accountable to make sure that Google grew. And
12:32:03 19 it was made very clear.

12:32:05 20 And Laszlo was not part of the picture at this
12:32:08 21 point in time. He was hired after this. But Shona made
12:32:12 22 it very clear for me that I was brought onboard to build
12:32:15 23 an amazing talent organization, recruiting organization.

12:33:03 24 Q. When you were first hired at Google, or any
12:33:05 25 time thereafter, did you ever have a discussion with

13:32:25 1 sounded good.

13:32:26 2 Q. Jeanne Romano responds -- first, who is Jeanne
13:32:36 3 Romano or Jeanne, however it is pronounced?

13:32:40 4 A. I believe she was a recruiter on the team.

13:32:42 5 Q. Okay. And she says, "Hi, I thought that Adobe
13:32:46 6 was once on the no-contact list. Is it now?"

13:32:49 7 Do you know what she was referring to here?

13:32:53 8 A. I don't recall the context around this email.

13:32:57 9 Q. Was Adobe ever on a no-contact list, as far as
13:33:00 10 you know?

13:33:02 11 MR. RUBIN: Objection. Lacks foundation.

13:33:03 12 THE WITNESS: Again, I don't recall.

13:33:04 13 BY MR. HARVEY:

13:33:05 14 Q. Okay. Do you remember what your response was
13:33:10 15 to this email?

13:33:14 16 A. No, I don't remember this specific -- this
13:33:16 17 specific exchange. I don't remember.

13:33:19 18 Q. So she says here that she has some excellent
13:33:21 19 leads for Adobe, but had been holding off. Do you
13:33:25 20 remember whether you instructed her to keep holding off
13:33:28 21 or to contact those leads?

13:33:29 22 MR. RUBIN: Objection. Calls for speculation.

13:33:31 23 THE WITNESS: Again, I hold to my previous
13:33:34 24 statement. I don't remember how I reacted to this
13:33:36 25 statement.

13:33:37 1 BY MR. HARVEY:

13:33:37 2 Q. Okay. Okay. So this is -- or this was
13:34:00 3 September of 2005. And during this time, you were trying
13:34:04 4 to get clarity for your organization and from your
13:34:08 5 superiors about what the do-not-call list should and
13:34:12 6 should not be, correct?

13:34:14 7 A. There was a period of time, I don't remember
13:34:16 8 the exact dates, but a period of time where I -- I needed
13:34:20 9 to create a do-not-call structure.

13:34:22 10 Q. And did you do that to make sure that everybody
13:34:24 11 in your organization was on the same page?

13:34:27 12 A. Basically, the do-not-call provided a protocol
13:34:31 13 for the recruiting folks so we could manage around the
13:34:33 14 same set of protocols, basically.

13:34:36 15 Q. And was a goal for that to provide clarity
13:34:39 16 regarding the confusion you described earlier?

13:34:42 17 A. I don't -- I don't remember the -- the
13:34:43 18 interaction between those two periods of time. But I was
13:34:47 19 asked to create at least a protocol for the staffing
13:34:51 20 team.

13:34:51 21 Q. Who asked you?

13:34:53 22 A. I believe at the time -- I don't recall -- I
13:34:57 23 don't recall exactly who asked me originally.

13:35:01 24 But I know somebody did.

13:35:03 25 MR. HARVEY: Please mark this as Exhibit 179.

13:35:26 1 (Exhibit 179 was marked for identification.)

13:35:26 2 MR. HARVEY: This document is stamped

13:35:27 3 GOOG-00007725.

13:35:35 4 Q. And is this an email that Shona Brown sent you
13:35:39 5 on September 25th, 2005?

13:35:44 6 A. Based on the "To, From," it looks like that's
13:35:46 7 the case.

13:35:47 8 Q. Okay. And that followed an email you sent her
13:35:51 9 that is also in this document on September 15th, 2005,
13:35:54 10 correct?

13:35:55 11 A. Based on the email, it looks like that's the
13:35:57 12 case.

13:36:00 13 Q. And in your email to Shona Brown you write,
13:36:03 14 "After speaking with Joan, enclosed is my recommendation
13:36:07 15 for a protocol around 'Do Not Cold Call' and 'Sensitive'
13:36:11 16 companies."

13:36:12 17 Who is the "Joan" you're referring to here?

13:36:14 18 A. In this particular instance, it's Joan Braddi.

13:36:18 19 Q. What was her role?

13:36:19 20 A. She was a business partnership with recruiting,
13:36:23 21 if I remember correctly.

13:36:25 22 Q. And in your -- in your recommendation for a
13:36:30 23 protocol, you state that, "The following companies have
13:36:34 24 special agreements and are part of the 'Do Not Cold Call'
13:36:39 25 list," and then you list Genentech, Intel, Apple, PayPal,

13:36:45 1 and Comcast. Why did you use the word "agreements" again
13:36:52 2 here?

13:36:55 3 A. Again, it was -- it was just my wording,
13:36:57 4 sounded good.

13:37:09 5 Q. In Shona Brown's response, she says, "Sorry for
13:37:13 6 the delay in responding. Omid" -- is that right?

13:37:17 7 A. Omid. That is correct.

13:37:18 8 Q. "-- has been waiting for a response on this,
13:37:20 9 and the delay is entirely my fault. I would like to
13:37:23 10 finalize with you Monday AM, and then present in EMG, so
13:37:27 11 Omid has his final version."

13:37:32 12 What is the EMG?

13:37:35 13 A. In this case it's executive management group.

13:37:38 14 Q. And who are the members of the EMG?

13:37:42 15 A. At the time it was all the senior execs of the
13:37:45 16 company.

13:37:45 17 Q. And that included Eric Schmidt, correct?

13:37:48 18 A. Eric Schmidt was part of the EMG group at the
13:37:50 19 time.

13:37:51 20 Q. Was Sergey Brin included in that?

13:37:53 21 A. Yes.

13:37:53 22 Q. And Larry Page?

13:37:55 23 A. That's correct.

13:37:56 24 Q. And Shona Brown?

13:37:57 25 A. Shona Brown was, too. That's correct.

13:38:06 1 Q. And she says -- Shona Brown says, "I have a
13:38:09 2 couple of reactions. First, I wonder if 'eBay, excluding
13:38:14 3 PayPal' should be on the sensitive list? Second, I would
13:38:17 4 rephrase the EMG member call-in to be 'make a call
13:38:21 5 letting them know we have MADE an offer and by exception
13:38:25 6 if EMG deems necessary.'"

13:38:35 7 She's referring to parts of your email that I
13:38:38 8 didn't read, feel free to read those if you want to, but
13:38:40 9 when she says "make a call letting them know," the "them"
13:38:44 10 is the competing employer, correct?

13:38:50 11 A. I think -- can I read the email?

13:38:52 12 Q. Sure.

13:38:53 13 A. -- in its entirety?

13:38:55 14 Q. Please. Please.

13:39:13 15 A. After reading the email, it looks like on the
13:39:14 16 second page of the email, under "Executive Recruiting"
13:39:16 17 paragraph, referring -- I would make an assumption
13:39:19 18 referring to my assertion about the sensitive company
13:39:24 19 list.

13:39:34 20 Q. She says that she would like to finalize it
13:39:37 21 with you Monday A.M. Did you, in fact, meet with Shona
13:39:40 22 Brown to finalize the do-not-call list after this email?

13:39:44 23 A. I don't -- I don't recall exactly when I met
13:39:46 24 with her, but she was -- I don't -- I don't recall,
13:39:52 25 actually.

13:39:53 1 Q. Okay. Do you know whether any of Google's
13:39:58 2 senior executives approved the do-not-call list?

13:40:02 3 A. I didn't have visibility into their approval
13:40:08 4 process, because it was in the EMG session, and so I
13:40:12 5 didn't have any visibility what their approvals were.

13:40:17 6 MR. HARVEY: 14, please. Please mark this as
13:40:26 7 Exhibit 180.

13:40:27 8 (Exhibit 180 was marked for identification.)

13:40:39 9 MR. HARVEY: Exhibit 180 is a document produced
13:40:42 10 GOOG-00007731.

13:41:07 11 Q. This is -- I should say that the first in time
13:41:09 12 email in this document, it appears as though Shona Brown
13:41:12 13 sent this to the EMG cc'ing Judy Gilbert, Stacy Sullivan,
13:41:20 14 and yourself. Did you receive this email on October 4th,
13:41:23 15 2005?

13:41:23 16 A. Based on the structure of this, it looks like I
13:41:26 17 did.

13:41:26 18 Q. Okay. She reiterates the language in your --
13:41:37 19 from Exhibit 179, and with the -- with a preface in
13:41:47 20 brackets that says, "Omid, Check with Arnon before you
13:41:50 21 go live with this." Did Omid check with you before going
13:41:56 22 live with this?

13:41:58 23 MR. RUBIN: Objection. Lacks foundation to
13:42:00 24 your initial sentence.

13:42:02 25 THE WITNESS: I'm sorry. Dean, I don't -- I

13:42:04 1 don't recall actually if he did.

13:42:06 2 BY MR. HARVEY:

13:42:08 3 Q. And then she says, "Joan, Please confirm with
13:42:11 4 Arnon that you are comfortable with this final wording."

13:42:14 5 Did she confirm with you that she was
13:42:16 6 comfortable with it?

13:42:21 7 A. I don't -- I don't recall if she did or not.
13:42:23 8 It was a while ago.

13:42:25 9 Q. And then in the email that you weren't cc'ed on
13:42:28 10 apparently, the first one at the top, is an email from
13:42:31 11 Eric Schmidt to Shona Brown, and Eric Schmidt says, "This
13:42:38 12 looks very good, Eric." Did Shona Brown ever communicate
13:42:41 13 to you that Eric Schmidt approved the do-not-call list as
13:42:47 14 drafted in this document?

13:42:48 15 A. Actually, I recall in that piece, but I do
13:42:52 16 recall she said that -- that to please go -- please go
13:42:56 17 ahead and proceed with the do-not-call list. So I don't
13:42:59 18 recall that in any other conversation.

13:43:06 19 Q. Did you speak with anyone about when or whether
13:43:11 20 this do-not-call list was presented to the EMG?

13:43:16 21 A. I -- I didn't -- I -- based -- I only have the
13:43:19 22 recollection basically on this -- what's in Shona's
13:43:23 23 email, but I don't have a recollection of what you're
13:43:27 24 referring to.

13:43:28 25 Q. So aside from this email, just sitting here

13:43:30 1 today, do you have any recollection of whether the EMG --
13:43:33 2 or any knowledge of whether the EMG reviewed and
13:43:36 3 discussed the do-not-call list?

13:43:40 4 A. Again, it was -- I apologize. It was a
13:43:43 5 separate group, and that was the executive management
13:43:45 6 group, and then I came back, I think Shona came back and
13:43:49 7 said, go ahead and go live with the list. So I don't
13:43:52 8 know what conversations happened.

13:43:54 9 Q. Okay. Do you have any knowledge of whether the
13:44:51 10 do-not-call list was shared outside of Google?

13:44:56 11 A. As I mentioned before, I was -- I was all --
13:45:01 12 internally focused. I had no visibility outside of that.
13:45:05 13 I just managed my staffing team and making sure that
13:45:09 14 the -- they had this as part of our structure. That's
13:45:14 15 all.

13:45:14 16 Q. So you have no knowledge either way whether the
13:45:16 17 do-not-call list was communicated outside of Google?

13:45:19 18 A. I -- I had no visibility to anything besides
13:45:23 19 what I did in my job.

13:45:24 20 Q. And by "visibility," do you mean that to be
13:45:26 21 synonymous with knowledge?

13:45:27 22 A. To the best of my recollection -- of my memory,
13:45:29 23 I -- I -- I -- it was never -- I never knew of any
13:45:38 24 instance where this was communicated outside of the
13:45:40 25 company, ever.

13:45:45 1 Q. Do you recall any discussion of whether -- if
13:45:48 2 it were communicated it would be better to do it
13:45:52 3 verbally, because it's best not to do it in writing?

13:45:59 4 MR. RUBIN: Objection. Lacks foundation.

13:46:00 5 THE WITNESS: Back to my previous comment, I --
13:46:01 6 there was -- there was no discussion about it at all,
13:46:03 7 that I -- zero. So I just worked on my internal team to
13:46:07 8 make sure they followed the protocol.

13:46:11 9 MR. HARVEY: Please mark this as Exhibit 181.

13:46:13 10 (Exhibit 181 was marked for identification.)

13:46:25 11 MR. HARVEY: Exhibit 181 is a document
13:46:27 12 produced, stamped GOOG-00058410.

13:46:36 13 Q. Mr. Geshuri, if you look to the back of the
13:46:38 14 document, this is the same -- I mean it starts out as the
13:46:44 15 same email that you received on October 4th, 2005, from
13:46:48 16 Shona Brown, and then -- and then after that you're taken
13:46:56 17 off the cc list in further communications. So the next
13:46:59 18 one in time is Eric Schmidt, this is from the document I
13:47:03 19 just showed you, where he says, "This looks very good,
13:47:06 20 Eric." It appears that Shona Brown then forwarded that
13:47:10 21 to Omid, and Omid responded, "Great. Can I edit and
13:47:14 22 forward the core policy to eBay/PP (only their respective
13:47:21 23 organizations listed, of course)?"

13:47:24 24 Did you ever speak with Omid about him
13:47:27 25 forwarding the core policy to eBay?

13:47:31 1 A. Again, I -- very clear, I had no conversation
13:47:34 2 outside of my responsibilities. So that never happened.

13:47:40 3 Q. It never happened as far as you know, correct?

13:47:42 4 A. From my interaction. I never --

13:47:47 5 Q. And then Shona Brown responds to Omid and she
13:47:50 6 says, "I am fine with this."

13:47:52 7 Then she says, "Eric - any concerns with Omid
13:47:55 8 sharing with eBay/PP the rules as they pertain to them?"

13:47:59 9 And then Eric Schmidt responds, "I would prefer
13:48:03 10 that Omid do it verbally since I don't want to create a
13:48:07 11 paper trail over which we could be sued later? Not sure
13:48:10 12 about this. Thanks, Eric."

13:48:12 13 Shona Brown responds, "Makes sense to do it
13:48:15 14 orally. I agree."

13:48:20 15 Does this refresh your recollection about any
13:48:23 16 discussions you had with anybody about sharing the
13:48:25 17 do-not-call list with anyone outside of Google?

13:48:28 18 A. My previous testimony is still consistent, I
13:48:31 19 never had any conversation around that. I was -- my job
13:48:34 20 was internally focused to run the -- run the
13:48:37 21 organization. That's it. So I never talked to anybody
13:48:39 22 about it.

13:48:40 23 Q. Did -- did you instruct your team not to
13:48:44 24 communicate the do-not-call list to anyone outside of
13:48:47 25 Google?

13:48:52 1 A. I don't think I ever -- I don't think I ever
13:48:56 2 talked about the topic. It was more of -- this was just
13:48:59 3 the -- a guideline that we had to follow, and that was
13:49:02 4 really it. There was really nothing more than that.

13:49:35 5 MR. HARVEY: Please mark this as Exhibit 182.
13:49:48 6 (Exhibit 182 was marked for identification.)
13:49:48 7 MR. HARVEY: Exhibit 182 is a document produced
13:49:50 8 stamped GOOG-00008283.

13:49:59 9 Q. It is a document with the title, "Special
13:50:01 10 Agreement Hiring Policy - Protocol for 'Do Not Cold Call'
13:50:04 11 and 'Sensitive' Companies."

13:50:08 12 Have you seen this document before?

13:50:10 13 A. Yes, I have.

13:50:11 14 Q. And I'll represent that based upon the
13:50:21 15 metadata, this document was produced from your files.

13:50:29 16 This is the formal do-not-call list, correct?

13:50:32 17 A. It looks like it -- yeah. This just looks like
13:50:34 18 the one that we had posted.

13:50:36 19 Q. And this is the one that you were in charge of
13:50:39 20 communicating to your team, correct?

13:50:42 21 A. I made sure the team was -- was definitely
13:50:44 22 aware of this protocol.

13:50:49 23 Q. And, again -- well, first, this formal
13:50:55 24 do-not-call list here, it was reviewed by other people at
13:51:00 25 Google, correct?

13:51:01 1 A. Only based on the email trail, that's to my
13:51:07 2 knowledge, that EMG, but then I posted it once I got
13:51:11 3 approval to do that.

13:51:12 4 Q. And here again, you used the word "agreement"
13:51:14 5 twice, in the title of the document and then below in the
13:51:19 6 text. The document begins, "The following companies have
13:51:22 7 special agreements with Google."

13:51:29 8 Did you stick with the word "agreement" because
13:51:31 9 it sounded good?

13:51:31 10 A. Yeah --

13:51:32 11 MR. RUBIN: Objection. Lacks foundation.

13:51:33 12 THE WITNESS: Yeah, it was just my wording,
13:51:34 13 wasn't -- nothing more than that.

13:51:35 14 BY MR. HARVEY:

13:51:36 15 Q. Did anyone at the EMG or Shona Brown tell you
13:51:39 16 to use a different word?

13:51:44 17 A. I -- I had -- I had no edits from -- from when
13:51:46 18 I originally did this, so it was just basically some
13:51:49 19 wording I put down on paper.

13:51:51 20 Q. In the document there are effective dates for
13:51:58 21 different categories of companies. The first is
13:52:00 22 effective March 6th, 2005. And in it it lists Genentech,
13:52:05 23 Intel Corporation, Apple Computer, PayPal Incorporated,
13:52:09 24 and Comcast Corporation. What did you mean here by an
13:52:14 25 effective date of March 6, 2005?

13:52:26 1 A. If I -- if I recall correctly, it was just
13:52:29 2 companies came on and off the list, so sometimes I would
13:52:32 3 put the date of when they came on so people had a little
13:52:35 4 bit of a knowledge base. It just -- it helped in keeping
13:52:38 5 it organized. That's all.

13:52:40 6 Q. And who would tell you whether to put a company
13:52:43 7 on or off of the do-not-call list?

13:52:46 8 A. It was usually an EMG member.

13:52:50 9 Q. Could you please list the specific individuals
13:52:54 10 in your recollection that -- that told you when to -- to
13:52:58 11 add or remove a company on the do-not-call list?

13:53:02 12 A. I -- I mostly interfaced with Shona Brown,
13:53:04 13 and -- who was my -- was my manager, along with Laszlo.
13:53:10 14 So they usually instructed me about protocol, and I --
13:53:15 15 that's the people I had. They just told me what to do on
13:53:19 16 that.

13:53:19 17 Q. Did you ever receive an instruction from Eric
13:53:21 18 Schmidt about what companies to add or take off the
13:53:25 19 do-not-call list?

13:53:26 20 A. As I recall, it usually originated from Shona
13:53:30 21 who came -- broached the topic with me or just told me
13:53:33 22 the company it should go on, as far as I recall.

13:53:36 23 Q. So you have no recollection of anyone aside
13:53:38 24 from Shona Brown and Laszlo?

13:53:41 25 A. Not that my -- not that I remember. They

13:53:43 1 usually, because they were in charge of staffing, they
13:53:47 2 usually told me what to do.

13:53:48 3 Q. Okay. When Shona Brown and Laszlo Bock told
13:54:00 4 you to take a company off a list or to add a company, did
13:54:03 5 you ever discuss with them why a company was being added?

13:54:08 6 A. I honestly did not get in specifics about that.
13:54:12 7 This was -- again, the protocol was more of a nuisance
13:54:16 8 for me anyway. So they just gave me instruction. But I
13:54:19 9 didn't go into any detail around it at all.

13:54:24 10 Q. Did they ever provide any explanation about why
13:54:27 11 a company would be taken off the list?

13:54:31 12 A. Again, not to my recollection. They just said
13:54:35 13 I was -- it was pretty -- it was pretty simple
13:54:38 14 conversation, as they said just remove or take off, and I
13:54:41 15 would just do it and go about my business.

13:55:08 16 MR. HARVEY: Please mark this as Exhibit 183.

13:55:10 17 (Exhibit 183 was marked for identification.)

13:55:30 18 MR. HARVEY: This document was produced Bates
13:55:32 19 stamped GOOG-00008342.

13:55:41 20 Q. And this appears to be an update on the same
13:55:44 21 list. This one, if you look on the bottom left, there is
13:55:48 22 a revision date, and this appears to be January 7th of
13:55:53 23 2008. Does that indicate the date that the
13:55:58 24 do-not-cold-call policy was revised as reflected on this
13:56:03 25 document?

14:15:51 1 Q. And the next line is on the same topic, "YES to
14:15:54 2 DNC candidates on networking sites," and then "(ONLY
14:15:57 3 IF)," in all caps, "they indicate they are looking AND,"
14:16:01 4 and "AND" is in all caps, "they provide their personal
14:16:06 5 email or phone number. We can never initially contact a
14:16:10 6 DNC candidate at their current work address. The key is
14:16:13 7 the DNC candidate is initiating the 'I am looking' and
14:16:19 8 there is written proof. We should document that they've
14:16:22 9 indicated they were looking in the notes of the leads
14:16:24 10 system/ATS."

14:16:28 11 What written proof are you referring to here?

14:16:32 12 A. It's -- it's pretty -- pretty general,
14:16:36 13 actually. The -- the -- the -- the -- basically what --
14:16:42 14 what we had asked the -- the recruiters to do would be to
14:16:49 15 look at whether it's through the referral program that
14:16:51 16 someone had -- had reached out to, whether it's people
14:16:56 17 have emailed us, whether there is -- there is some proof.
14:17:00 18 I really want the recruiters to abide by the do-not-call
14:17:03 19 list.

14:17:05 20 So if -- if they're referred, there is a note
14:17:08 21 that says they were looking, and so forth, all of that is
14:17:11 22 open to the recruiters. Just find some documentation
14:17:13 23 that actually said that the person is interested, whether
14:17:15 24 they clicked the box on LinkedIn, or whether they were
14:17:19 25 referred, and that would suffice. So it's pretty broad.

14:17:22 1 Q. Okay. And then you say, "Here is the most
14:17:24 2 sticky one:

14:17:25 3 "For DNC candidates referred by other leads, we
14:17:30 4 need to make this squeaky clean."

14:17:32 5 And this includes the employee referral
14:17:35 6 program, correct?

14:17:46 7 MR. RUBIN: Did you ask him, I'm sorry?

14:17:48 8 MR. HARVEY: Yes, there is a question pending.

14:17:49 9 MR. RUBIN: I'll just ask to repeat it.

14:17:49 10 MR. HARVEY: Could you please repeat the
14:17:49 11 question?

14:18:01 12 (Record was read as follows: "QUESTION: Okay.
14:18:01 13 And then you say, 'Here is the most sticky one. For DNC
14:18:01 14 candidates referred by other leads, we need to make this
14:18:01 15 squeaky clean.' And this includes the employee referral
14:18:01 16 program, correct?")

14:18:04 17 THE WITNESS: Well, so in this case, I believe
14:18:11 18 you're referring to the DNC candidates referred by other
14:18:14 19 leads, means other external candidates. So the referral
14:18:18 20 program is primarily for the employees of the company.
14:18:23 21 So this would be if -- if we found out from a third party
14:18:26 22 that a person is interested, then we need to follow up
14:18:28 23 with that appropriately.

14:18:31 24 BY MR. HARVEY:

14:18:32 25 Q. Well, I think -- why don't I go through it,

14:18:34 1 because I think you might modify that, given the context
14:18:38 2 of this. Why don't we -- just for this purpose, and then
14:18:42 3 we will go up and go through everything, but for the --
14:18:44 4 the second bullet point under this, it starts, "If a
14:18:48 5 Google employee indicates someone from a DNC company is
14:18:52 6 looking, we first need to make sure that the Googler did
14:18:56 7 not source this candidate." And then in parentheses,
14:18:59 8 "(All Googlers fall under the same DNC rules). If the
14:19:05 9 Googler did reach out and initiate first contact (for
14:19:09 10 example, at a cocktail party)" --

14:19:12 11 A. Uh-huh.

14:19:12 12 Q. -- "then we should walk away and not pursue the
14:19:15 13 lead."

14:19:16 14 So this discussion here concerns the employee
14:19:19 15 referral program, correct?

14:19:21 16 A. On the second bullet, it would be -- may I read
14:19:26 17 it one more time, if you don't mind?

14:19:28 18 Q. Well, it is right there in front of you.

14:19:30 19 A. Yeah, I know. Yeah, so that portion, I guess I
14:19:47 20 was looking at the first bullet originally, the second
14:19:50 21 portion is a lead. So this was -- yeah, if a Googler
14:19:59 22 found somebody, I just -- I want to make sure that as a
14:20:01 23 company we were just doing the right thing.

14:20:05 24 Q. And doing the right thing here --

14:20:07 25 A. Is following the agreed -- you know, following

14:20:11 1 the protocol.

14:20:16 2 Q. While we're on this bullet, I'll just finish
14:20:18 3 reading it.

14:20:19 4 A. Okay.

14:20:19 5 Q. "If the DNC candidate initiated contact and
14:20:23 6 approached the Googler at the same party, we should
14:20:26 7 communicate through the Googler that the lead needs to
14:20:29 8 contact us directly in writing or through jobs@google and
14:20:34 9 explicitly indicate that they are looking. We need a
14:20:38 10 very clear paper trail that we did not proactively pursue
14:20:42 11 this candidate. If we cannot come up with a good paper
14:20:45 12 trail, then we should most likely walk away from the
14:20:48 13 lead. And, we can never initially contact a DNC
14:20:51 14 candidate at their current work address."

14:20:54 15 A. Sure.

14:20:55 16 Q. Okay. So -- okay.

14:21:00 17 Actually, let's go up to the first bullet.

14:21:03 18 MR. RUBIN: So you don't have a question about
14:21:04 19 that, what you just read?

14:21:06 20 MR. HARVEY: No.

14:21:07 21 MR. RUBIN: Okay.

14:21:07 22 BY MR. HARVEY:

14:21:08 23 Q. I'm going to the first bullet. "If a lead or a
14:21:10 24 reference indicates that someone from a DNC company is
14:21:13 25 looking, we need to message through the lead/reference to

15:16:49 1 Q. Is this an email you wrote on March 8, 2007, to
15:16:52 2 Sue Polo and Swan Boon?

15:16:55 3 A. According to this, yes.

15:16:57 4 Q. And who was Sue Polo?

15:17:02 5 A. She was a staffing leader and Swan was also a
15:17:07 6 lead recruiter at the time, both in my organization.

15:17:12 7 Q. And you write, "I am getting pressure to
15:17:14 8 terminate Stephanie immediately and walk her out."

15:17:18 9 What pressure are you referring to here?

15:17:22 10 A. In this case, again, I'm held accountable to my
15:17:26 11 team, and -- and when I -- in this case I spoke to -- to
15:17:35 12 Shona, and she said if there is a good -- a good reason
15:17:39 13 why we reached out, that would be great; but if not, you
15:17:43 14 need to think about termination of this person, because
15:17:47 15 they went against the do-not-call list.

15:17:49 16 Q. What would have counted as a good reason?

15:17:52 17 A. As it -- as it states in the -- in the policy
15:17:55 18 itself, so if -- if we found that there was -- this
15:17:58 19 person expressed interest in us, they applied to us,
15:18:01 20 they -- anything that showed that they had previously --
15:18:06 21 the candidate or -- had previously approached us, that
15:18:09 22 would count as a good reason that they expressed
15:18:12 23 interest. That would be fine.

15:18:20 24 Q. And in this case, there were no such good
15:18:23 25 reasons, correct?

15:18:24 1 A. I did my due diligence, and there was no such
15:18:27 2 good reason.

15:18:30 3 MR. HARVEY: No. 36.

15:18:52 4 Please mark this as the next exhibit.

15:19:03 5 THE REPORTER: Exhibit 192.

15:19:04 6 (Exhibit 192 was marked for identification.)

15:19:04 7 MR. HARVEY: Exhibit 192 is a document stamped
15:19:06 8 GOOG-00000107.

15:19:11 9 Q. Please let me know once you've had a chance to
15:19:13 10 examine the document.

15:19:14 11 A. Thanks, Dean. Okay.

15:19:32 12 Q. Did Shona Brown write this email to you cc'ing
15:19:35 13 Eric Schmidt, Laszlo Bock, and Judy Gilbert on March 11
15:19:40 14 of 2007?

15:19:41 15 A. It looks like that's the case.

15:19:45 16 Q. It looks like this is her response to an email
15:19:48 17 that we just saw, and before I get to Shona's email, I
15:19:54 18 just want to say that, you know, in part of the email she
15:19:57 19 is responding to the one that you wrote, you said that --
15:20:02 20 that the Apple -- I'm sorry -- that the sourcer will be
15:20:04 21 terminated within the hour.

15:20:07 22 Shona Brown responds, "Appropriate response.
15:20:10 23 Please make a public example of this termination with the
15:20:14 24 group."

15:20:15 25 Did you make a public example of the

15:20:22 1 termination of Stephanie Buran?

15:20:25 2 MR. RUBIN: Objection. Vague.

15:20:35 3 THE WITNESS: I actually honestly don't recall
15:20:37 4 how I responded to this. I do know that -- that -- I do
15:20:45 5 recall sending out the -- sending out the do-not-call
15:20:50 6 policy one more time after this incident and letting
15:20:55 7 people know that it is really super important to adhere
15:20:58 8 to the protocols as we designed -- as we designed
15:21:01 9 internally, and -- but I don't recall any additional
15:21:05 10 public example that I did beyond that.

15:21:07 11 BY MR. HARVEY:

15:21:12 12 Q. You then said, "Please also make it a very
15:21:14 13 strong part of new hire training for the group." Did you
15:21:19 14 make it a very strong part of new hire training for your
15:21:25 15 group?

15:21:25 16 A. As I recall, I did ask within our onboarding
15:21:31 17 process for new recruiters to make sure that the -- that
15:21:34 18 there was explicit mention of the do-not-call list so
15:21:38 19 that people were educated upfront, and make sure that
15:21:41 20 they had knowledge of the -- of the internal policy.

15:22:46 21 MR. HARVEY: I'm going to move on to a slightly
15:22:48 22 different topic, which is how the do-not-call -- the
15:22:53 23 do-not-call list applied to Intuit.

15:23:15 24 Please mark this as the next exhibit.

15:23:27 25 THE REPORTER: Exhibit 193.

15:23:31 1 MR. HARVEY: Exhibit 193 is a document produced
15:23:33 2 with the stamp GOOG-00000090.

15:23:39 3 (Exhibit 193 was marked for identification.)

15:23:43 4 BY MR. HARVEY:

15:23:43 5 Q. Please let me know once you've had a chance to
15:23:48 6 look at the document.

15:24:41 7 A. Okay.

15:24:41 8 Q. This is an email chain that you are not cc'ed
15:25:08 9 on, but you're referred to. So I'm just going to use it
15:25:11 10 as a way to frame questions and hopefully refresh any
15:25:15 11 memory that you may have about the topics described.

15:25:17 12 This email chain begins -- and I'll -- when I
15:25:19 13 say "begin," I mean first in time -- with an email from
15:25:24 14 Kim Van der Zon from Egon Zehnder International. This is
15:25:30 15 a recruiting firm you were describing earlier, correct?

15:25:34 16 A. This is the one I was referring to earlier,
15:25:36 17 yes.

15:25:37 18 Q. And here Kim Van der Zon contacts Mark Schar at
15:25:45 19 Intuit about an opening at Google, correct?

15:25:48 20 A. I'm -- I'm reading the document as you are.

15:25:51 21 Q. Do you have any independent knowledge that this
15:25:55 22 happened?

15:25:55 23 A. I have no context at all of it.

15:26:00 24 Q. It looks like Bill Campbell forwards this to
15:26:04 25 Jonathan Rosenberg at Google, among other undisclosed

16:52:36 1 Q. Okay. So the first email in the string is an
16:52:40 2 email from Scott McNealy at Sun to Eric Schmidt on
16:52:46 3 January 10th, 2006. Scott McNealy was the head of Sun at
16:52:53 4 the time; correct?

16:52:55 5 A. I believe he was still the head of Sun.

16:52:58 6 Q. And Scott McNealy wrote, "Can we talk about
16:53:02 7 Google's hiring of Sun folks? It is beyond acceptable.
16:53:06 8 I'm around all week." Then it gets forwarded to the EMG
16:53:15 9 group by Eric Schmidt, and Eric says, "Any idea on what I
16:53:21 10 should say to Scott? How bad is the problem?"

16:53:25 11 And it looks like Jonathan Rosenberg loops you
16:53:29 12 in and says, "Arnnon, can you get us an analysis of the
16:53:32 13 number of Sun folks you've hired by month over the last
16:53:35 14 year? I've seen a few recently."

16:53:39 15 Then you write, "I already sent an email
16:53:42 16 earlier today. We are already working on this!"

16:53:46 17 MR. RUBIN: You said you wrote -- isn't --

16:53:48 18 MR. HARVEY: I'm sorry. Thank you for the
16:53:49 19 clarification. The top email is an email that Shona
16:53:52 20 Brown wrote -- including Arnnon Geshuri.

16:53:59 21 Q. Did you, in fact, do an analysis of the number
16:54:01 22 of Sun folks that Google hired by month over the last
16:54:05 23 year?

16:54:05 24 A. It was a common part of my job to -- if they
16:54:10 25 had a question about penetration into a certain company,

16:54:13 1 to go ahead and do a report of what the pipeline looked
16:54:17 2 like. So I'm sure I produced the report.

16:54:20 3 Q. When you say common part of your job, are you
16:54:23 4 referring to communication from another company to Eric
16:54:24 5 Schmidt that would prompt the fire drill, which would be
16:54:29 6 getting the facts of Google's recruiting efforts so that
16:54:32 7 Eric Schmidt could have a conversation with that person
16:54:34 8 from another company?

16:54:35 9 A. No.

16:54:36 10 MR. RUBIN: Objection. Lacks foundation.

16:54:38 11 THE WITNESS: No. And I'll clarify that. I'm
16:54:40 12 fine with that. No. I -- it depends on the source.
16:54:43 13 Sometimes it is just a general question internally,
16:54:46 14 whether there is a penetration into a certain company.
16:54:48 15 So I just produced the spreadsheets when needed. Anybody
16:54:52 16 could ask internally how we're doing on a recruiting
16:54:56 17 perspective. So it was just a -- part of the job to
16:54:59 18 produce a pipeline report.

16:55:00 19 BY MR. HARVEY:

16:55:02 20 Q. How often did this kind of thing happen? And
16:55:09 21 when I say "this kind of thing," I'm referring to what I
16:55:11 22 just described, which is the communication from another
16:55:14 23 company to Eric Schmidt or someone senior at Google about
16:55:17 24 Google's recruiting efforts, and then you do an analysis
16:55:20 25 of Google's recruiting and report it back up to the

16:55:23 1 person who made the request.

16:55:25 2 MR. RUBIN: Objection. Vague.

16:55:26 3 THE WITNESS: Yeah. So -- so I get requests

16:55:30 4 occasionally. That means my staffing team is doing a

16:55:35 5 good job recruiting from a whole bunch of companies, and

16:55:38 6 I just provide transparency into the pipeline, it looks

16:55:42 7 like. So it was -- it was not a -- not an issue to

16:55:45 8 produce those.

16:55:45 9 BY MR. HARVEY:

16:55:47 10 Q. Sometimes the good job that your group was

16:55:51 11 doing would result in these kinds of -- in these kinds of

16:55:57 12 emails from other companies, correct?

16:55:58 13 A. When -- when we were -- I'll rephrase that.

16:56:02 14 When we were being very effective, and we were,

16:56:04 15 as a staffing team, we would have occasionally notes from

16:56:09 16 companies that noticed that we were taking their top

16:56:12 17 talent.

16:56:14 18 Q. And sometimes those notes resulted in those

16:56:17 19 companies being added to the do-not-call list, correct?

16:56:20 20 MR. RUBIN: Objection. Lacks foundation.

16:56:22 21 THE WITNESS: Again, I -- as I stated before, I

16:56:24 22 don't know the rationale a lot of times regarding why

16:56:27 23 things were added. I would get my -- my instructions

16:56:32 24 from Shona, who would say, would you please add this, but

16:56:35 25 I didn't really ask about the rationale. I just went and

16:56:39 1 administered and made sure the team was still effective.

16:56:42 2 BY MR. HARVEY:

16:56:42 3 Q. Did you notice the correlation between letters
16:56:45 4 from these other companies and requests from Shona Brown
16:56:49 5 to add companies to the do-not-call list?

16:56:52 6 MR. RUBIN: Objection. Calls for speculation;
16:56:53 7 lacks foundation.

16:56:57 8 THE WITNESS: Again, I -- I -- I just received
16:56:59 9 instructions. I mean it was -- it was pretty simple
16:57:03 10 where EMG would make a decision, and -- that I was not
16:57:07 11 privy to, and through Shona, and they would ask me to
16:57:12 12 occasionally modify the do-not-call list. I don't know
16:57:16 13 all the rationale, the reasons behind it. It -- it was
16:57:19 14 not my responsibility to know that. I just wanted to
16:57:24 15 recruit.

16:57:24 16 BY MR. HARVEY:

16:57:25 17 Q. And apart from the rationale, I'd like to ask
16:57:28 18 about the timing. Did you notice that requests from
16:57:32 19 Shona Brown to add companies to the do-not-call list
16:57:35 20 tended to coincide with these kinds of communications
16:57:39 21 where there would be a complaint from another company?

16:57:43 22 MR. RUBIN: Objection. Vague; calls for
16:57:44 23 speculation.

16:57:45 24 THE WITNESS: Again, I -- I didn't really focus
16:57:50 25 on the trends on this. I just -- I just focused on if

16:57:55 1 they asked me to do something different, I'd go ahead and
16:57:58 2 do that. So it wasn't really my responsibility, and it
16:58:02 3 was noise to me anyway. I just went ahead and delivered
16:58:05 4 as -- as an organization.

16:58:06 5 BY MR. HARVEY:

16:58:07 6 Q. Well, just sitting here and thinking about it,
16:58:10 7 because you were privy to both when a company would be
16:58:14 8 added to a do-not-call list and when you would have to do
16:58:17 9 this kind of fire drill, correct?

16:58:20 10 MR. RUBIN: So that mischaracterizes prior
16:58:22 11 testimony and documents. Objection. Vague.

16:58:30 12 THE WITNESS: Can I -- can you repeat it, sir?

16:58:33 13 BY MR. HARVEY:

16:58:34 14 Q. Why don't I break it up.

16:58:35 15 You were the person who -- who added or removed
16:58:39 16 companies from the do-not-call list, correct?

16:58:41 17 A. It was my responsibility to maintain the list.

16:58:43 18 Q. Okay. And you are also the person who would
16:58:47 19 put together an analysis of recruiting efforts that
16:58:50 20 responded to the nice letters from other companies to
16:58:54 21 Google, correct?

16:58:55 22 MR. RUBIN: Objection. Mischaracterizes prior
16:58:56 23 testimony in terms of referencing a comment to "nice
16:59:02 24 letters"; to this email at least.

16:59:05 25 THE WITNESS: As I testified, whenever requests

16:59:07 1 would come in, regardless of -- regardless, they would
16:59:11 2 ask how we're doing with penetration on a certain
16:59:14 3 company, how we were doing recruiting, and I would
16:59:17 4 produce a report.

16:59:18 5 BY MR. HARVEY:

16:59:18 6 Q. And they would often ask you, correct?

16:59:20 7 A. They would come to me first.

16:59:22 8 Q. So you had these responsibilities. I'm asking
16:59:23 9 not what you were focused on at the time or what your
16:59:26 10 goals were, but sitting here now, and looking back, was
16:59:29 11 there a correlation, was there a relationship between
16:59:34 12 when you were asked to add a company to the do-not-call
16:59:36 13 list and when you ran these kinds of reports?

16:59:39 14 MR. RUBIN: Objection. Calls for speculation;
16:59:41 15 lacks foundation.

16:59:43 16 THE WITNESS: I had many more requests to run
16:59:46 17 reports than what I've seen here so far. And I was
16:59:54 18 always producing some type of data for the company to
16:59:57 19 look at how we're -- how we were being effective. So I
17:00:00 20 had a whole pool, and this was just one or two examples
17:00:05 21 of this particular situation, but I was asked plenty of
17:00:08 22 times to build metrics and reports on pipeline in a
17:00:12 23 variety of situations. So it was pretty broad.

17:00:16 24 BY MR. HARVEY:

17:00:16 25 Q. Were these reports sometimes followed by

17:00:19 1 requests to add the company that caused you to run the
17:00:23 2 report to the do-not-call list?

17:00:25 3 MR. RUBIN: Objection. Vague; lacks foundation
17:00:28 4 of this witness.

17:00:29 5 THE WITNESS: Again, I did not make -- I did
17:00:32 6 not intentionally make that connection. I was
17:00:37 7 responsible for just producing the report, and if they
17:00:39 8 came to me with a request following that, then I
17:00:42 9 complied.

17:00:43 10 BY MR. HARVEY:

17:00:43 11 Q. Was there, in fact, a connection, regardless of
17:00:46 12 your intentions?

17:00:47 13 A. That's -- that's outside of my -- my
17:00:48 14 responsibility, and I wasn't privy to that connection.

17:01:18 15 MR. RUBIN: Dean, how much time do you think
17:01:20 16 you have left? I'm just trying to decide whether we
17:01:23 17 should take another short break before you wrap up, or if
17:01:26 18 you have 10 or 15 minutes, we can keep going.

17:01:30 19 MR. HARVEY: I have more time than that. I
17:01:32 20 have -- well, we can take a break now. That's fine.

17:01:38 21 MR. RUBIN: How much time is left?

17:01:39 22 THE VIDEOGRAPHER: We have about 38 minutes.

17:01:41 23 MR. RUBIN: Let's take a short break.

17:01:44 24 THE VIDEOGRAPHER: We're going off the record.

17:01:44 25 The time is 5:01 p.m.

17:01:46 1 (Recess was taken.)

17:08:19 2 THE VIDEOGRAPHER: The time is 5:08. We're
17:08:21 3 going back on the record.

17:08:25 4 BY MR. HARVEY:

17:08:35 5 Q. As the do-not-call list operated over time, did
17:08:39 6 your recruiters ever express frustration to you that they
17:08:43 7 were being limited by the do-not-call list in terms of
17:08:46 8 their ability to recruit?

17:08:49 9 A. The recruiters had full authority to work -- to
17:08:53 10 work all the different methodologies to find a person,
17:08:57 11 so -- so they -- they used the employee referral program,
17:09:01 12 they used the jobsite, different ways through to get to
17:09:06 13 people. So they were just creative, and it never
17:09:10 14 hindered them from finding a great flow of talent from
17:09:13 15 any of the companies.

17:09:20 16 Q. But the do-not-call list did impose
17:09:22 17 restrictions and rules on how they went about recruiting,
17:09:26 18 correct?

17:09:28 19 A. You saw the -- the -- the -- how it was spelled
17:09:32 20 out in the document itself, so that was just -- we
17:09:35 21 followed that criteria.

17:09:39 22 Q. And there could be severe penalties for
17:09:44 23 violating that agreement, correct?

17:09:46 24 MR. RUBIN: Objection. Vague as to "severe."

17:09:50 25 THE WITNESS: We had one instance where I had

17:09:53 1 to terminate a temp who violated the policy.

17:10:08 2 MR. HARVEY: Please mark this as Exhibit 206.

17:10:23 3 (Exhibit 206 was marked for identification.)

17:10:24 4 MR. HARVEY: Exhibit 206 is a document stamped
17:10:29 5 GOOG-00008249.

17:10:37 6 Q. And please let me know once you've had a chance
17:10:39 7 to read the document.

17:10:40 8 A. Okay. Thanks.

17:11:15 9 Q. Is this an email that you sent Jeff Miller on
17:11:19 10 November 4th, 2006?

17:11:20 11 A. It looks like I had a correspondence with him
17:11:24 12 based on this.

17:11:26 13 Q. And who is Jeff Miller?

17:11:27 14 A. He's a recruiter.

17:11:30 15 Q. The first email in time is an email, it looks
17:11:34 16 like you wrote it to your group, where the -- you say
17:11:38 17 that, "I would like to send out my periodic reminder to
17:11:41 18 everyone regarding the sensitive companies and
17:11:43 19 do-not-call list." How regular were these reminders that
17:11:51 20 you sent out?

17:11:53 21 A. They could be anywhere from four to six months.

17:11:56 22 Q. Okay. You also had a list of top ten documents
17:12:03 23 that people in your group could access, correct? And the
17:12:06 24 do-not-call list was usually one of those top ten,
17:12:09 25 correct?

17:12:10 1 A. I remember including that in my top ten list.

17:12:15 2 Q. And here Jeff Miller responds to your reminder,
17:12:19 3 and he says, "I guess the candidates I have been sourcing
17:12:22 4 from Burger King, Jiffy Lube, and Der Wienerschnitzel are
17:12:29 5 still fair game. Thanks."

17:12:31 6 That's sarcasm, correct?

17:12:33 7 A. That was sarcasm.

17:12:34 8 Q. And did you understand that to mean that he was
17:12:37 9 frustrated that he was limited in terms of companies he
17:12:42 10 could recruit from that he wanted to recruit from?

17:12:45 11 MR. RUBIN: Objection. Calls for speculation.

17:12:47 12 THE WITNESS: Yeah. I don't -- I don't know
17:12:48 13 what he was -- his motivation was.

17:12:51 14 BY MR. HARVEY:

17:12:54 15 Q. And it's sarcasm because Google generally
17:12:58 16 doesn't source its employees from Burger King, correct?

17:13:03 17 MR. RUBIN: Objection. Calls for speculation.

17:13:06 18 THE WITNESS: Consistent with my testimony,
17:13:08 19 wherever there is great talent, we'll find them.

17:13:11 20 BY MR. HARVEY:

17:13:13 21 Q. Okay. Do you know whether Google has ever
17:13:21 22 hired someone from Burger King?

17:13:23 23 A. Right now, I have no idea if that -- if -- if
17:13:26 24 someone from Burger King came to us.

17:13:34 25 Q. You respond, "Until we get some angry letters.

17:13:36 1 Have a good weekend." What did you mean by, "Until we
17:13:40 2 get some angry letters"?

17:13:44 3 A. I was just -- I was just joking. I don't quite
17:13:47 4 remember. Joking with him, I guess.

17:13:50 5 Q. And the joke is that if you got some angry
17:13:53 6 letters, then Burger King might be on the do-not-call
17:13:57 7 list, too, correct?

17:13:59 8 MR. RUBIN: Objection. Calls for speculation;
17:14:01 9 lacks foundation.

17:14:01 10 THE WITNESS: Yeah. I don't recall what we
17:14:03 11 were basing with that, but I was responding to his -- his
17:14:07 12 email. So I don't recall what my thought was around
17:14:09 13 that.

17:14:09 14 BY MR. HARVEY:

17:14:10 15 Q. Okay. Was Yahoo ever on the do-not-call list?

17:14:33 16 A. I don't remember if I ever put it on the list.

17:14:39 17 Q. Were you ever instructed from those senior to
17:14:44 18 you to pull back on your recruiting efforts with regard
17:14:50 19 to Yahoo?

17:14:54 20 A. There -- there was no -- again, there was --
17:14:58 21 there was no restriction from what companies we could
17:15:03 22 actually recruit out of. So I don't -- I don't remember
17:15:05 23 any specific conversation around that. Again, I followed
17:15:10 24 the do-not-call list, and that's -- that was my
17:15:13 25 guidelines.

17:15:17 1 MR. HARVEY: Please mark this as Exhibit 207.

17:15:20 2 (Exhibit 207 was marked for identification.)

17:15:38 3 MR. HARVEY: Exhibit 207 is a document produced
17:15:41 4 GOOG-00008601.

17:15:44 5 Q. Please let me know once you've had a chance to
17:15:46 6 examine the document.

17:15:47 7 A. Okay. Thanks. Okay. Thank you.

17:17:14 8 Q. Is this document an email you sent to Laszlo
17:17:17 9 Bock on February 7th of 2008?

17:17:21 10 A. Based on this, it looks like I did.

17:17:22 11 Q. If you go to the first email in time, it's an
17:17:26 12 email from Laszlo block to Eric Schmidt; Subject:
17:17:30 13 "Recruiting from Yahoo." And Laszlo writes, "Eric, at
17:17:35 14 EMG on Monday you asked that we have our recruiting teams
17:17:39 15 start calling into Yahoo. Have any advanced discussions
17:17:44 16 since then changed that guidance? If not, Arnon is
17:17:48 17 ready to get his teams moving."

17:17:50 18 Do you recall an instruction from Laszlo Bock
17:17:53 19 or from anyone else at Google to get ready to target
17:17:57 20 Yahoo for recruiting?

17:18:01 21 A. I -- I didn't remember this until -- until this
17:18:04 22 email, but I was often asked to -- if there -- if the
17:18:11 23 company -- or if we felt based on our research there was
17:18:16 24 great talent somewhere, I was often asked to go and
17:18:18 25 research and look at different companies to find great

1 I, Rosalie A. Kramm, Certified Shorthand
2 Reporter licensed in the State of California, License No.
3 5469, hereby certify that the deponent was by me first
4 duly sworn and the foregoing testimony was reported by me
5 and was thereafter transcribed with computer-aided
6 transcription; that the foregoing is a full, complete,
7 and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of the
13 original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my hand
16 this day: August 24, 2012.

17 X Reading and Signing was requested.

18 Reading and Signing was waived.

19 Reading and signing was not requested.

20

21

22

ROSALIE A. KRAMM

23

CSR 5469, RPR, CRR

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